

Bill no.:	<u>H.L.C. Committee Print</u>
Amendment no.:	<u>77a</u>
Date offered:	<u>4/13/05</u>
Disposition:	<u>Agreed to by 27 yeas and 25 nays</u>

**AMENDMENT TO AMENDMENT OFFERED
BY MR. STUPAK**

OFFERED BY Mr. Fossella

Strike the Stupak amendment and insert:

In title XV, amend section 1530 to read as follows:

1 SEC. 1530 ADDITIONAL MEASURES TO PROTECT GROUND-
2 WATER.

3 (a) IN GENERAL.—Section 9003 of the Solid Waste
4 Disposal Act (42 U.S.C. 6991b) is amended by adding the
5 following new subsection at the end:

6 “(i) ADDITIONAL MEASURES TO PROTECT GROUND-
7 WATER FROM CONTAMINATION.—The Administrator
8 shall require each State that receives funding under this
9 subtitle to require one of the following:

10 “(1) TANK AND PIPING SECONDARY CONTAIN-
11 MENT.—

12 “(A) Each new underground storage tank,
13 or piping connected to any such new tank, in-
14 stalled after the effective date of this sub-
15 section, or any existing underground storage
16 tank, or existing piping connected to such exist-
17 ing tank, that is replaced after the effective
18 date of this subsection, shall be secondarily con-
19 tained and monitored for leaks if the new or re-
20 placed underground storage tank or piping is



1 within 1,000 feet of any existing community
2 water system or any existing potable drinking
3 water well.

4 “(B) In the case of a new underground
5 storage tank system consisting of one or more
6 underground storage tanks and connected by
7 piping, subparagraph (A) shall apply to all un-
8 derground storage tanks and connected pipes
9 comprising such system.

10 “(C) In the case of a replacement of an ex-
11 isting underground storage tank or existing pip-
12 ing connected to the underground storage tank,
13 subparagraph (A) shall apply only to the spe-
14 cific underground storage tank or piping being
15 replaced, not to other underground storage
16 tanks and connected pipes comprising such sys-
17 tem.

18 “(D) Each installation of a new motor fuel
19 dispenser system, after the effective date of this
20 subsection, shall include under-dispenser spill
21 containment if the new dispenser is within
22 1,000 feet of any existing community water sys-
23 tem or any existing potable drinking water well.

24 “(E) This paragraph shall not apply to re-
25 pairs to an underground storage tank, piping,



1 or dispenser that are meant to restore a tank,
2 pipe, or dispenser to operating condition

3 “(F) As used in this subsection:

4 “(i) The term ‘secondarily contained’
5 means a release detection and prevention
6 system that meets the requirements of 40
7 CFR 280.43(g), but shall not include
8 under-dispenser spill containment or con-
9 trol systems.

10 “(ii) The term ‘underground storage
11 tank’ has the meaning given to it in sec-
12 tion 9001, except that such term does not
13 include tank combinations or more than a
14 single underground pipe connected to a
15 tank.

16 “(iii) The term ‘installation of a new
17 motor fuel dispenser system’ means the in-
18 stallation of a new motor fuel dispenser
19 and the equipment necessary to connect
20 dispenser to the underground storage tank
21 system, but does not mean the installation
22 of a motor fuel dispenser installed sepa-
23 rately from the equipment need to connect
24 the dispenser to the underground storage
25 tank system.



1 “(G) The Administrator may issue regula-
2 tions or guidelines implementing the require-
3 ments of this subsection.

4 “(2) EVIDENCE OF FINANCIAL RESPONSIBILITY
5 AND CERTIFICATION.—

6 “(A) MANUFACTURER AND INSTALLER FI-
7 NANCIAL RESPONSIBILITY.—A person that
8 manufactures an underground storage tank or
9 piping for an underground storage tank system
10 or that installs an underground storage tank
11 system is required to maintain evidence of fi-
12 nancial responsibility under section 9003(d) in
13 order to provide for the costs of corrective ac-
14 tions directly related to releases caused by im-
15 proper manufacture or installation unless the
16 person can demonstrate themselves to be al-
17 ready covered as an owner or operator of an
18 underground storage tank under section 9003.

19 “(B) INSTALLER CERTIFICATION.—The
20 Administrator and each State that receives
21 funding under this subtitle, as appropriate,
22 shall require that a person that installs an un-
23 derground storage tank system is—

24 “(i) certified or licensed by the tank
25 and piping manufacturer;



1 “(ii) certified or licensed by the Ad-
2 ministrator or a State, as appropriate; t

3 “(iii) has their underground storage
4 tank system installation certified by a reg-
5 istered professional engineer with edu-
6 cation and experience in underground stor-
7 age tank system installation;

8 “(iv) has had their installation of the
9 underground storage tank inspected and
10 approved by the Administrator or the
11 State, as appropriate;

12 “(v) compliant with a code of practice
13 developed by a nationally recognized asso-
14 ciation of independent testing laboratory
15 and in accordance with the manufacturers
16 instructions; or

17 “(vi) compliant with another method
18 that is determined by the Administrator or
19 a State, as appropriate, to be no less pro-
20 tective of human health and the environ-
21 ment.”.

22 (b) EFFECTIVE DATE.—This subsection shall take
23 effect 18 months after the date of enactment of this sub-
24 section



1 (c) PROMULGATION OF REGULATIONS OR GUIDE-
2 LINES.—The Administrator shall issue regulations or
3 guidelines implementing the requirements of this sub-
4 section, including guidance to differentiate between the
5 terms “repair” and “replace” for the purposes of section
6 9003(i)(1) of the Solid Waste Disposal Act.

7 (d) PENALTIES.—Section 9006(d)(2) of such Act (42
8 U.S.C. 6991e(d)(2)) is amended as follows:

9 (1) By striking “or” at the end of subpara-
10 graph (B).

11 (2) By inserting “; or” at the end of subpara-
12 graph (C).

13 (3) By adding the following new subparagraph
14 after subparagraph (C):

15 “(D) the requirements establishd in section
16 9003(i),”.

